

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DAVID W. LINDER,

Plaintiff,

v.

Civil Action No. **3:08CV206**

**VIRGINIAN-PILOT, A DIVISION OF
LANDMARK COMMUNICATIONS, INC.,**

Defendant.

MEMORANDUM OPINION

Plaintiff, a federal inmate, submitted this action and requested leave to proceed *in forma pauperis*. The Prison Litigation Reform Act precludes a prisoner from proceeding *in forma pauperis*:

[I]f the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Plaintiff has had at least three actions that were dismissed as frivolous, malicious, or for failure to state a claim upon which relief could be granted. *See, e.g., Linder v. Lester*, 3:07cv01076 (N.D.N.Y. dismissal order Feb. 13, 2008); *Linder v. Friedman*, 3:07cv292 (E.D. Va. dismissal order Jan. 7, 2008), *aff'd*, 2008 WL 2620211, at *1 (4th Cir. July 1, 2008) (No. 08-6253); *Linder v. N.Y. State Police*, 1:07cv371 (N.D.N.Y. dismissal order May 31, 2007). Plaintiff's current complaint does not suggest that Plaintiff is in imminent danger of serious physical harm. Accordingly, by Memorandum Order entered on July 3, 2008, the Court denied Plaintiff's request to proceed *in forma pauperis* and directed Plaintiff to pay the full \$350.00 filing fee within eleven (11) days of the date of entry thereof.

More than eleven (11) days have elapsed since the entry of the July 3, 2008

Memorandum Order and Plaintiff has not paid the full filing fee. Accordingly, the action will be
DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Date: **AUG 25 2008**
Richmond, Virginia

/s/
Richard L. Williams
United States District Judge